

James J. Carroll, III  
Josephine M. Carroll  
P.O. Box 863  
Windham, N.H. 03087

**UNITED STATES DISTRICT COURT**  
**of**  
**APPEALS**  
**DISTRICT OF MASSACHUSETTS**

RECEIVED  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
SEP 27 2006

JAMES J. CARROLL, III )  
JOSEPHINE M. CARROLL, et als.)  
Plaintiff (s), )  
 )  
vs. )  
 )  
JAMES J. CARROLL, JR., et als. )  
Defendant (s), )  
 )

C.A. 05-11670-GAO

Appeal from Order of Dismissal

Now Comes ~~Josephine Carroll~~ <sup>James J. Carroll, III</sup> and James J. Carroll, III, hereinafter referred to as plaintiffs in the above captioned U.S. District Court civil action.

The plaintiffs jointly and severally are aggrieved by spurious decisions of the U.S. District Court that are based on misinterpretation, misrepresentation of the stated facts and interjection of facts by the court which were never subject of complaint. The plaintiffs are further aggrieved by gross errors of law denying both plaintiffs and those they hold legal obligations to their fundamentally guaranteed Constitutional Rights and Protections and those rights which are to be upheld in accordance with the law. As a result of the dismissal the U.S. District Court on or about July 19, 2006 and after seeking a Motion for Reconsideration which was

have reduced it to writing. Assistant U.S. Attorneys have confirmed the same as has the Federal Bureau of Investigation and the Department of Justice.

The defendants collectively played a role in a ponzi scheme working against State Court Orders including a Permanent Injunction and a final divorce decree, none of which are or were upheld due to proven corruption. The defendant James J. Carroll, Jr. is a proven disgruntled expouse as noted in the divorce decree of Josephine Carroll who has been licensed to break every law and violate every right without accountability to eliminate all checks and balances of the system and to allow coverup by individuals betraying the plaintiffs and the public trust by sharing in the stolen spoils of also parties who were not under any legal detriment, nor involved in any legitimate suit. Through proven corruption the defendant with their contacts have obstructed justice and managed to deny all standing through their associates and contacts.

As a result of the many abuses the lack of any protection, the lack of any enforced right or remedy or upholding thereof any doctrine or law as required by the law the plaintiffs have been denied all basic rights to allow abuses against them to occur unchecked and unchallenged. Essentially, the plaintiffs have been denied all rights in the state and local system and now without proper reasoning the Federal Court has followed in this process.

These allegations become self evident once documents, the law, witnesses and the end result is examined. The end does not justify the means, especially when civil rights have been denied and of which have been constantly under attack ; when state and federal law has been overstepped or abridged and obstructed and when protections with basic civil rights have been trampled upon and denied to favor what is clearly crimes and torts by law or statute. These basic rights and laws are the essential fabric of this country that any U.S. Citizen should expect to have upheld. On that basis the Supremacy Clause of the United States has been overstepped and basic rights have been abridged formulating a legal right to petition the U.S. District Court.

The events arise out of Southern Middlesex County in the State of Massachusetts so jurisdiction is proper. The damages exceed \$50,000.00 and are in fact basic losses in the several millions of dollars through theft, criminal force and battery with proven coverup and criminal misuse of the system. The claims were properly made known to the court in a timely manner within statute of limitations.

The basis of complaint is that the plaintiffs are denied any ability to file any complaint ; denied any relief or protection and denied any right to seek redress or right to recovery, free speech and right to equal access and equal protections of the law, a right to hold and retain property, a right to defend property, as well as one's

person, a right to due process and a right to assemble and petition for grievances where all of these rights collectively have been denied. The denial of these essential rights have been ongoing and well documented and noted by members of the State Courts who attempted to stop the abuse, but the criminal element prevailed eliminating any overstepping any existing valid State Order with false documents and conspiracy to overstep any valid law or protection including Federal Law.

Noone is allowed to defy court orders, operate a criminal campaign, devise false papers and documents and or false litigation prohibited by court orders to then injure, rob, extort and convert major assets through criminal batteries and then call it law and no one should expect such activities to be upheld at any level, especially when filing complaints timely and when statutes and or Federal Code prohibited the actions which form a basis of allowable complaints in a Federal Court.

The plaintiffs have sought the review of the facts where many individuals at all levels of the system have confirmed that the plaintiffs are victims of corruption and conspiracy. The underlying facts have been confirmed by various Federal Agencies as truth and not mere conjecture. Newly discovered facts are being presented to the Office of the U.S. Attorney who has renewed interest in the case.

Due to the complexity of the fraud and abuse, the court has misinterpreted facts, wrongly raised issues of the Rooker Feldman Doctrine which does not apply because the State actions of the defendants have been proven as fraud with false documents to cover crimes and to create obstructions to justice. The valid orders of the plaintiffs never required an action before the Massachusetts Supreme Court which is a prerequisite with Rooker Feldman, therefore Federal Actions and State Actions would not [Emphasis] be inextricably interwound as the Rooker Feldman doctrine prohibits.

The plaintiffs are aggrieved and have confirmed with many levels of the law in the system that their basic Constitutional and Civil Rights have been stripped from them and denied them, especially, since a State Superior Court Permanent Injunction to prevent Contact and Criminal abuses such as theft of property and interference with liberties and property rights has been overstepped and has not been upheld in the state by any court or agency required to do so.

Therefore, this order, and all other orders/entitlements, guaranteed rights and or awards in a divorce as they pertained to Josephine Carroll, all entitlements as to property rights held by Josephine Carroll, James J. Carroll. III and those they held contractual relationships with were eliminated and obstructed essentially making them residents of Massachusetts with no rights other than paying taxes, fees and costs to a system that would give them little or no standing overstepping and



abridging Federal Law. This is a form of taxation without representation.

This denial of all standing including the refusal to uphold any law, any right and any existing court order at any level is a denial of Constitutional Rights and protections as well as a denial of Human Rights.

To clarify this claim, evidence has been uncovered that a group of individuals has aided the exspouse to use their contacts and resources to break the law, cover crime and their joint deceit and then obstruct remedies working their maintainence through many individuals. Many of these individuals received a favor or gratuity or exhibited or were involved with actions that were improper and prohibited by law. Clearly, the court realizes that noone can make up titles to property without having or without working a proper claim or action or judgement against a party and then create a false title on a home and strip a victim of their home and all contents on a legally void staged eviction especially when evictions can not legally apply under any circumstance and do not allow for conversion and retention of assets in the domicile as noted by statute. Since there are pure Federal Questions and denial of any right by the State and Local Systems which are to enhance Civil and Constitutional Rights by Charter, not abridge them and deny them, then the Plaintiffs acted prudently, as required by law, and therefore, the plaintiffs must present the basic facts in a trial or hearing before the U.S. District Court. On this basis the Court has seriously erred.

The plaintiffs have been denied any oral hearing or argument and have essentially been denied the ability to present their case with evidence, witnesses and a course of litigation as allowed by law thereby denying due process, equal access and equal protections and essentially branding the plaintiffs as U.S. Citizens with no rights and no protections.

The U.S. District Court through Justice O'Toole raised claims of Judicial Immunity which puzzled the plaintiffs, as no such action was taken against any justice. Justice O'Toole stated the claim would fail if a justice of the court was named in suit, but although the court was informed no such claim or judicial entity was named. The court continued to push for dismissal when no such fact existed in the brief. Therefore, the court seriously erred on a basis for dismissal. Succinctly stated, the plaintiffs asserted in their complaint that they were attacked by surprise and robbed of everything they ever worked for while false documents were prepared and upheld as valid. Contests and grievances have been blocked. Any contest or correction has been denied and blocked when the fraud and crimes are easily proveable. Threats, intimidation and numerous types of obstruction have been encountered where no one in the State System has acted, although each entity confirmed that the facts are true as to fraud and crime and that they have a duty of care to act. If the Federal Court eliminates the checks and balances of the

system then no law, justice or protection can exist except for those who are corrupt and connected. Without contest that would not be a system of the people and for the people nor does it protect individual rights, rights to hold property and protections from criminal abuse or invasions to privacy and or Governmental Intrusions.

The plaintiffs can prove that all of these elements exist in their case, but the court must give them standing to proceed and must properly examine evidence and briefs and or allow oral arguments to clarify the facts, something that the court has failed to allow in the initial action on which this appeal is now based.

Fundamental Rights as free speech and a right to have grievances heard are said to be guaranteed Constitutional Rights and Protections, but the court is denying these rights by dismissing complaints on errors and misconstrued facts and events.

One of the elements of the case involves false documents sent to the Office of Personnel Management to Overstep and Defraud the U.S. Government which has occurred, a violation of the false claims act and a Theft of U.S. Treasury funds, as affirmed by Treasury Agents, where Federal Law under 42 U.S.C. Title V sections 651 - 659 et sec. Prohibited the defendant James J. Carroll, Jr. from returning pension funds awarded for alimony debt to himself once garnished. State law affirms the same facts as State Law follows Federal Law and the court should note



that the divorce decree provided to the U.S. District Court never changed.

Criminal Fraud are Federal Questions under the Civil Service Retirement Act.

There are many other issues which have not been raised, but are Federal

Questions. The plaintiffs had asked for the opportunity to appear before the

honorable Justice George O'Toole raising questions if his honor ever actually saw

the facts in the instant case or was the party who ruled as the answers and

decisions appear to be from a clerk and are inconsistent with cases that his honor

has previously ruled upon noting his honor to be notably thorough and just.

The U.S. District Court raised issues of timeliness finding fault with facts that

formulated "Pattern and Practice" which are allowable facts to present in any case

showing a history of abuse and denial of rights. The court alleged that the facts

had no bearing or relevance to the instant case without review of the facts and

then claimed that the case was not filed timely. The court again erred because the

injuries and losses occurred from an event with statute of limitations, filed timely.

The court seriously erred on this claim because a constant effort existed to injure

and undermine the plaintiffs with various schemes and repeated assaults all

connecting and working into the final assault which was filed within the

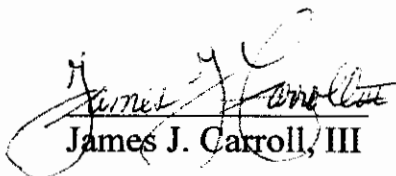
prescribed 3 year statute of limitations which was verified with Federal

Practitioners.

Both the Office of the Massachusetts Attorney General and the Office of the United States Attorney General with the Department of Justice agreed that all that has transpired was prohibited by law, and that claims were properly presented in a Federal Court, as well as the fact that when ongoing obstruction of justice and compiled crimes and injuries occur, especially reusing prior crimes to commit a successive crime and torts, that statutes of limitations continue to run and that the malicious prosecution and abuse of process by law must cease before filing.

The plaintiffs chose not to let laches apply and operated on claims from greatest of injuries within the timeliness of statute which was a swindle and theft of multiple estates which falls under the RICO Statutes as filed, along with a denial of basic rights.

Wherefore, the plaintiffs respectfully request that the honorable U.S. Court of Appeals reinstate their claim(s) and allow the plaintiffs to petition before the U.S. District Court of Massachusetts as allowed by law, acting on a timely appeal within the prescribed limitations.

 9/27/06  
James J. Carroll, III

James J. Carroll, III  
Josephine M. Carroll  
P.O. Box 863  
Windham, N.H. 03087

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SEP 11 P 12

C.A. 05-11670-GAO of MASS.

JAMES J. CARROLL, III  
JOSEPHINE M. CARROLL, et als)  
Plaintiff(s)

vs.

JAMES J. CARROLL, JR., et als)  
Defendant(s)

The Honorable Justice George A. O'Toole  
Presiding Justice

Request to Preserve Rights of Appeal

Now comes Josephine M. Carroll and James J. Carroll, III being aggrieved by the decision of Justice George A. O' Toole dismissing a complaint of action dated August 5, 2005, filed timely and properly on which an order for dismissal occurred dated July 18, 2006 without opportunity to present the case before the court or a jury of peers.

The plaintiffs have submitted a Motion for Reconsideration, and Motion to Vacate the Order of Dismissal, seeking redress timely within the 30 day limit, although the plaintiffs received the dismissal late on July 30, 2006.

The plaintiffs jointly seek the filing of an appeal following the decision of motions before the court to be acted upon only if such reconsiderations are denied. This notice is provided to secure the appellate rights of the plaintiffs in advance of the decision.

*James J. Carroll, III, pro se*  
James J. Carroll, III, pro se

*Josephine M. Carroll, pro se*  
Josephine Carroll, pro se

*August 10, 2006*

JOSEPH E. CARROLL, et al.  
Plaintiff(s),

vs.

JAMES J. CARROLL, JR., et als.  
Defendant(s),

The Honorable Justice George A. O'Toole  
Presiding Justice

defendant James J. Carroll, Jr. and all other defendants in this case at their respective addresses  
in accordance with the rules of court.

James J. Carroll, Jr. pro se

James J. Carroll, Jr. pro se

2006/09/20



## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT  
CIVIL ACTION NO. 04-024

EXHIBIT#2

JOHN W. GAHAN, III,  
Plaintiff

vs.

JAMES J. CARROLL, III,  
DefendantDEFENDANT'S ANSWERS AND  
AFFIRMATIVE DEFENSES

Now comes the Defendant James J. Carroll, III, by his Attorney, and hereby submits his Answers and Affirmative Defenses to the Verified Complaint filed on or about January 21, 2004:

1. Defendant admits this allegation;
2. Defendant admits this allegation;
3. Defendant admits this allegation;
4. Defendant admits this allegation;
5. Defendant admits this allegation;
6. Defendant admits this allegation;
7. Defendant admits that he made the statement, but states that the statement was made in conjunction with his understanding that Plaintiff's Counsel was conspiring with Attorneys who represented his father, James J. Carroll, Jr. and who had assisted his father in obtaining a fraudulent Judgment from the Lowell District Court and illegally and unlawfully using said Judgment in order to Levy and sell the property previously awarded to his mother, the subject property located at Oldham Road in Arlington, without justification or cause. It should be noted that the Lowell Judgment, in the amount of some \$561,175.00, was obtained by default, notwithstanding numerous Pleadings filed to remove the default to obtain a Hearing on the Merits of said case. A copy of the docket of the Lowell District Court is annexed hereto as Exhibit "1". The subject property was sold, via Sheriff's sale, the entire contents of the home stripped, Title confirmed in the Plaintiff's through a Land Court proceeding, and the execution returned marked Satisfied in Full, all while the Seller James J. Carroll, Jr. was applying to the Probate and Family Court in an attempt to obtain relief from an Alimony Order, alleging that he had been



harmful by Josephine M. Carroll, the mother of this Defendant. A copy of the Amended Judgment of Judge Dilday is annexed hereto as Exhibit "2". These Judgments are, at this time, subject to further examination and Appeal.

8. Defendant is unable to admit or deny this allegation, or its truth or accuracy, and calls upon the Plaintiff to prove the same;
9. Defendant is unable to prove the truth or accuracy of this allegation, and calls upon the Plaintiff to prove the same;
10. Defendant admits and is aware of this allegation, but states by way of affirmative defense, that he is only recently learned that they are not in concert or in a conspiracy with Counsel for James J. Carroll, Jr. and now understands that notwithstanding the fraudulent utilization of the Lowell Judgment which should have been deemed satisfied by virtue of the entry of the Judgment in the Probate and Family Court (Dilday, J.) that the Plaintiffs are the proper owners of the property;
11. Defendant denies each and every allegation contained in this paragraph;
12. Defendant is unable to prove the truth or accuracy of this allegation and, in denying the same, calls upon the Plaintiff to prove the same;
13. Defendant denies each and every allegation contained in this paragraph;
14. Defendant admits that the Plaintiff's purchase of the subject property operates upon the Plaintiff as a good faith purchaser all with the right, title, and interest to deal with the property and, insofar as the Plaintiff is a good faith purchaser, the Defendant admits that he has no right, title, or interest in the subject property as was adjudicated and confirmed by the Land Court. The Defendant denies the balance of the allegations contained in this paragraph 14;
15. Defendant denies each and every allegation contained in this paragraph and requests that this Honorable Court Dismiss the Complaint as it fails to state a Claim upon which relief can be granted as the Defendant states, by way of Affirmative Defense, that he has had no contact with the property since December of 2003, has retained Counsel who has properly instructed him that he has no right, title, or interest in the subject property and that he must abandon any notion of attempting to regain the property for his mother, despite the questionable conduct of the Seller of the subject property who, prior to the institution of this litigation, was believed to be in concert with the actual Buyers and Plaintiffs herein.

WHEREFORE, Defendant respectfully requests that this Honorable Court Deny the Plaintiff's prayer requesting the preliminary injunction issuing on this matter, further requests that the Complaint be Dismissed and for such further relief as this Honorable Court deems just and equitable hereunder.

Respectfully submitted,  
JAMES T. CARROLL, JR.  
City of Los Angeles



DAVID T. FULMER, ESQ.  
576 MAIN STREET  
WINCHESTER, MA 01890  
B.B.O. #181630  
TELEPHONE: (781) 732-2711  
(617) 549-6070

DATED: FEBRUARY 24, 2004

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF MIDDLESEX  
THE SUPERIOR COURT

CIVIL ACTION #MICV95-06545

James J Carroll,  
Josephine M Carroll  
Plaintiff(s)

vs.

James J. Carroll, Jr. O.D., P.C.  
Joanne Carroll Deyoung et al,  
Defendant(s)

#14

ORDER

To the above named Defendant (s): [ ]  
Agents, Attorneys and Counsellors, and each and every of them,  
You are hereby required by Order of Superior Court and permanently  
enjoined by :

No Contact, No Communication of any kind, direct or indirect  
in person or by another, with any opposing party herein.

No vandalism of any nature. No interference with property  
rights.

Nothing herein shall, however, prevent any party from communicating  
through counsel in connection with any judicial proceeding.

All until further order of the Court.

**Witness Robert A. Mulligan**, Esquire at Cambridge, this  
2nd day of July in the year of our Lord 1997.

FORM OF JUDGMENT APPROVED:

Hiller B. Zobel  
HILLER B. ZOEBEL,  
ASSOCIATE JUSTICE,  
SUPERIOR COURT DEPARTMENT

EDWARD J SULLIVAN  
CLERK/MAGISTRATE

By: George M. Francis  
ASSISTANT CLERK

A TRUE COPY

ATTEST:

Deputy Assistant Clerk  
Deputy Assistant Clerk

MARTIN T. MEEHAN

5TH DISTRICT, MASSACHUSETTS

<http://www.house.gov/meehan/>

2229 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

(202) 225-3411 FAX: (202) 226-0771

## COMMITTEES:

## ARMED SERVICES

SUBCOMMITTEE ON TERRORISM, UNCONVENTIONAL THREATS AND

CAPABILITIES, RANKING MEMBER

SUBCOMMITTEE ON TOTAL FORCE

## JUDICIARY

SUBCOMMITTEE ON COURTS, THE INTERNET &amp; INTELLECTUAL PROPERTY

SUBCOMMITTEE ON CRIME, TERRORISM &amp; HOMELAND SECURITY



**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

## DISTRICT OFFICES:

11 KEARNEY SQUARE, THIRD FLOOR

LOWELL, MA 01852

(978) 459-0101 FAX: (978) 459-1907

305 ESSEX STREET

4TH FLOOR

LAWRENCE, MA 01840

(978) 681-6200 FAX: (978) 682-6070

HAVERHILL CITY HALL

2ND FLOOR, ROOM 201 A

4 SUMMER STREET

HAVERHILL, MA 01830

(978) 521-1845 FAX: (978) 521-1843

August 26, 2005

Federal Bureau of Investigation  
 Matthew McPhillips  
 935 Pennsylvania Ave. NW  
 Washington, DC 20535

Dear Matthew McPhillips:

My constituent, Mr. James Carroll, III, has requested my assistance regarding his claims of corruption in the town of Arlington. Enclosed please find information which explains the situation.

I would appreciate it if you would investigate and comment on these concerns at your earliest opportunity. Please forward your response in care of Bryan DeAngelis, in my Lowell district office at 11 Kearney Square, Lowell, MA 01852, 978-459-0101.

Thank you for your kind assistance in this matter.

Sincerely,

  
 MARTY MEEHAN  
 Member of Congress

MM:li

Enclosure

999001345

**Commonwealth of Massachusetts**  
**The Trial Court**

Middlesex **Division****Probate and Family Court Department****Docket No.** 86D1651D1**Temporary Order**James J. Carroll, Jr.

, Plaintiff

v.

Joswphine Carroll

, Defendant

Pending a hearing on the merits or until further order of the court, it is ordered that:

1) ☐ ~~plaintiff/defendant be and hereby is prohibited from imposing any restraint on the personal liberty of plaintiff/defendant~~2) ☐ plaintiff/defendant have the care and custody of \_\_\_\_\_  
\_\_\_\_\_  
the minor child \_\_\_\_\_ of the parties3) ☐ plaintiff/defendant be given the following visitation right(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_4) ☐ plaintiff/defendant pay to his/her spouse the sum of \_\_\_\_\_ forthwith  
and the further sum of \_\_\_\_\_ on each and every \_\_\_\_\_  
hereafter, beginning on \_\_\_\_\_, for his/her support and that of the minor child \_\_\_\_\_5) ☐ said payments to be made to the Probation Department and forwarded to the Department of Public  
Welfare/the plaintiff/defendant/the applicable city or town of \_\_\_\_\_6) ☐ the parties shall comply with a stipulation or agreement of the parties dated \_\_\_\_\_  
which is filed with the Court and expressly made a part of this order7) ☐ plaintiff/defendant pay reasonable medical, dental and hospital expenses of his/her spouse and minor  
child \_\_\_\_\_ and maintain existing medical and hospital insurance8) ☐ plaintiff/defendant vacate the marital home at \_\_\_\_\_  
(Street and No.) (City or Town) (Zip)

for a period of \_\_\_\_\_ day(s) commencing on \_\_\_\_\_

9) ☒ *Joswphine Carroll, or her representatives*  
*is prohibited from filing any pleading*  
*in the court with written approval*  
*of a Justice of this court*  
*9/20/04*  
*Edward A. O'Neil*

Date